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LETTER DATED 3 NOVEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am pleased to transmit to you herewith the text of a statement issued on 31 October 1997 by the General People's Committee for External Communication and International Cooperation. The statement deals with the announcement by the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom that the Secretaries-General of the United Nations, the Organization of African Unity and the League of Arab States have been invited to send delegations to Scotland to observe the Scottish judicial system at first hand.

I should be grateful if you would have this statement issued as an official document of the Security Council.

(Signed) Abuzed Omar DORDA
Permanent Representative

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Annex

Statement issued by the General People's Committee for External Communication and International Cooperation

The General People's Committee for External Communication and International Cooperation has noted that there have recently been various attempts to divert the attention of world opinion away from the growing momentum and support that have accrued to the efforts and initiatives of a number of international and regional organizations seeking to find a just and expeditious solution to the Lockerbie affair. Certain parties are endeavouring to cause those efforts and initiatives to miscarry and to distort their contents. For example, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom has announced that he has invited the Secretaries-General of the United Nations, the Organization of African Unity and the League of Arab States to send high-level delegations to Scotland to observe the Scottish judicial system at first hand and to discuss arrangements for trying the Libyan suspects in Scotland.

The Secretary of State has overlooked the fact that the Libyan authorities are not opposed to the two suspects being tried in Scotland. However, there are serious legal and practical difficulties involved. For example, the Libyan Criminal Code, which was promulgated as long ago as 1953, prohibits the extradition of Libyan citizens. Furthermore, the solicitors of the accused men object to their clients being handed over to the United Kingdom or the United States of America, and have threatened to bring legal action against the Libyan State in the event that it should hand over the two men in question to either of those countries. For these reasons, there have been many initiatives and suggestions aimed at determining a neutral location where the trial could take place.

Libya does not doubt the honesty or fairness of the Scottish judicial system. This particular matter, however, has given rise to biased publicity campaigns carried on in the media and through statements made by senior officials in the countries concerned. The result has been a social and psychological climate that is loaded against the two suspects, who have effectively been convicted in advance. This means that there is no possibility that they would be given a fair and impartial trial in Scotland, especially since Scottish courts use the jury system, which requires that all jurors must be unbiased and not personally prejudiced against the accused. Moreover, there are serious grounds for regarding the accusation against the suspects, who are held to have been responsible for the Lockerbie incident, as unsound.

International and regional organizations have observed the circumstances surrounding this affair, and have put forward various suggestions and initiatives designed to ensure that the two suspects receive a fair and impartial trial at a neutral location not in the United States of America or the United Kingdom. The most recent of these initiatives was the joint letter of 19 June 1997 from the Secretary-General of the League of Arab States and the Secretary-General of the Organization of African Unity to the President of the Security Council. That letter contained the following three options:

- Hold the trial of the two suspects in a third and neutral country to be determined by the Security Council;

- Have the two suspects tried by Scottish judges at the International Court of Justice in The Hague, in accordance with Scottish law;

- Establishment of a special criminal tribunal at the International Court of Justice headquarters in The Hague to try the two suspects.

In the interests of all concerned, Libya urges the other States concerned in this matter to acknowledge that the two suspects must have a fair and impartial trial, one that respects the rights of all parties, including the rights of the suspects themselves, a fair and impartial trial that will reveal the truth, lead to the lifting of the embargo that has been imposed on the people of Libya, and do justice to the families of the victims. In view of the climate that has effectively convicted the suspects in advance, and in view of the circumstances of the case, that trial must be held at some neutral third location other than in the United States of America or the United Kingdom.

It is our belief that the Security Council does not desire, through its resolutions, to humiliate the Libyan people or halt their progress towards development, to prejudice the rights of the suspects, to refuse to respond to the demands of the victims' families, or to disregard national laws. On the contrary, we feel sure that it is concerned to discover the truth through cooperation among all the parties concerned in this matter and through intensified efforts to resolve this disagreement.

The General People's Committee for External Communication and International Cooperation would like to take this opportunity to direct the attention of the international community and international and regional organizations to the fact that the announcement by the Secretary of State of the United Kingdom is merely an attempt to dilute the serious initiatives that have been made in this connection, and to destroy, trivialize or cripple all attempts to resolve this long-standing crisis. If the Secretary of State really wishes to dispel any hypothetical doubts about the impartiality of a trial in Scotland, he need only accede to the suggestions of regional and international organizations concerning the holding of the trial in a neutral country. Those suggestions have been prompted by the circumstances surrounding the affair, not by any doubts on our part about the Scottish judicial system as such.